STATE OF ILLINOIS)
)SS
COUNTY OF OGLE)

In the Matter of the Petition
of
Mark A. Hawkins and Sharon A. Hawkins,
Oregon-Nashua Township

Ogle County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 30th day
of July 2009
before the Ogle County
Zoning Board of Appeals

Present:
Maurice Bronkema
Randall Anderson
Curtis Freeberg
Jason Sword
Bruce McKinney, Chairman
Mark Miller, Zoning Staff

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MR. McKINNEY: I call this meeting of the July 2009 Ogle County ZBA meeting to order. Please rise for the Pledge of Allegiance.

(WHEREUPON the Pledge of Allegiance was recited.)

MR. McKINNEY: Please be seated. Roll call.

MR. MILLER: Five present.

(Roll call was taken and all were present.)

MR. McKINNEY: We do have a quorum. The verbatim transcript serving as minutes from the last meeting is on file and not -- and will not be read at this time. I will entertain a motion to approve the minutes of the last ZBA meeting.

MR. FREEBERG: So moved.

MR. ANDERSON: I'll second.

MR. McKINNEY: It has been moved and seconded. All those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay. Motion passed. All testimony will be taken

under oath. Please come forward to testify and state your name and address to the recording secretary and please spell your last name. When testifying please speak clearly and loud enough to be heard. This hearing is the only opportunity to place testimony and evidence on the record. There will not be another opportunity beyond tonight's hearing to submit additional evidence or testimony for consideration. Please turn off all cell phones, pagers and any other electronic devices.

The procedures on the hearings that will be followed tonight is as found in the ZBA Rules of Procedure or the Citizen's Guide to Zoning Board of Appeals which are available at the end of the table.

Mr. Lloyd Funk is also present representing the Ogle County Planning Commission if any Board member has questions on the Planning Commission's actions on the petitions.

If anyone has trouble hearing please let us know.

Mr. Miller, the first order of business?

MR. MILLER: The first order of business

is to consider the request filed June 12th, 2009 of Mark A. and Sharon A. Hawkins, 1301 South Blackhawk Road, Oregon, Illinois for a Variation to allow the construction of an additional accessory building to exceed the maximum allowable accessory building area pursuant to Section 6.06(D) of the Ogle County Amendatory Zoning Ordinance on property described as follows and owned by the Petitioners:

Part of the SW1/4 of the NW1/4 Section 12 and part of the SW1/4 of the NE1/4 Section 11 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, Illinois, 2.41 acres, more or less. Property Identification Number is 16-12-100-011. The location being 1301 South Blackhawk Road.

For the record a sign was posted along the frontage of the premises indicating that a Zoning hearing is to be held regarding this property. All adjoining owners have been notified of this hearing this evening and the specifics of the petition and a legal notice was published in the July 6th edition of the Ogle County Life notifying the public of the hearing this evening and the specifics of the petition.

Under the staff report, a copy of which is

on file and the Board members have received, I will point out under general information the existing land use is residential zoned AG-1. Surrounding Land Use and Zoning: The site is located within a predominantly agricultural area; however, a large lot rural subdivision -- excuse me -- large lot rural residential parcel adjoins the site to the west and an eight-lot residential subdivision adjoins the site to the south. Adjoining zoning: North is AG-1; east AG-1; south R-2 Single-Family Residence District; west I-1 Industrial District. Zoning History: None. The dwelling on-site was constructed prior to the adoption of the first Ogle County Zoning Ordinance in 1965. Special Information, Public Utilities: None. The site is served by a private, on-site well and septic system. Transportation: South Blackhawk Road is a seal coat surface road under the jurisdiction of Oregon-Nashua Township. And Physical Characteristics: The site is on a well-drained upland ridge top. The site contains a single-family dwelling and two existing accessory buildings.

Mr. Chairman, that's all I have.

MR. McKINNEY: Okay. This is a public hearing, I'll entertain a motion to go into a public hearing.

MR. SWORD: I'll so move.

MR. BRONKEMA: Second.

MR. McKINNEY: It's been moved and seconding to go into a public hearing. All those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay. Motion passed. We are in a public hearing. Will the Petitioners please come forward. Raise your right hands.

MARK A. HAWKINS and SHARON A. HAWKINS, being first duly sworn, testified as follows:

MR. McKINNEY: Give Julie your name and address.

SHARON HAWKINS: Sharon A. Hawkins, 1301 South Blackhawk Road, Oregon.

MARK HAWKINS: Mark A. Hawkins, 1301 South Blackhawk, Oregon.

MR. McKINNEY: Tell us about your

petition.

MARK HAWKINS: We'd just like the variance on the square -- to put up another building to replace a corn crib that had fallen over. It's 30 by 56, 14 high, just straight machine shed to store my farm equipment in.

MR. McKINNEY: Okay. How long have you lived at that residence?

MARK HAWKINS: Just about 13 years now.

MR. McKINNEY: Okay. Did you construct any of the buildings that are standing there now?

MARK HAWKINS: Yes, my garage that's in the -- next to the house. I couldn't attach the garage because that's where the well is is between them. I couldn't cover it.

MR. McKINNEY: Okay. The corn crib, what -- it just kind of started falling down or --

MARK HAWKINS: Yeah, I had been trying to fix it and it's just rotting away. You know, it's probably a hundred years old and the concrete was starting to come apart, so --

MR. BRONKEMA: You probably didn't use it anyhow.

MARK HAWKINS: That's actually where I stored my tractors and everything inside of it and I was getting scared.
MR. McKINNEY: So this hardship really wasn't caused by your actions, it was from an old shed coming down?
MARK HAWKINS: Just age, yeah.
MR. McKINNEY: Anybody else have any questions?
MR. BRONKEMA: Just what's the reason for going a foot higher, that's just the building you bought or --
MARK HAWKINS: Well, it's just 14, that was the limit I could go to.
MR. BRONKEMA: Well, isn't that the one that was like 18 instead of --
MARK HAWKINS: No, I'm going for the extra square footage is what I was looking for. I was staying at 14.
MR. FREEBERG: There was a note in there or something about the peak being 19 feet instead of 18 feet or --
MARK HAWKINS: Oh, that's the mid point peak is the way Mike explained it to me and I

was way below that, yeah, yeah. That's how we calculated it at least.
MR. FREEBERG: We've had some confusion. Most people think the peak of the building is the top of the roof, but not to the government.
MR. MILLER: Mid point is the term I guess.
MR. McKINNEY: Okay. Any other questions?
MR. ANDERSON: Where's your septic field?
MARK HAWKINS: Straight east of the house.
MR. ANDERSON: Okay.
MR. McKINNEY: And the balance of that lot, feedlot, whatever you want to call it, I believe you told me you were going to be using that as alfalfa?
MARK HAWKINS: Yes, I'm planning on planting alfalfa back in the fenced-in area there.
MR. McKINNEY: Okay. Anything else? Any other questions? Okay. You can sit down.
MARK HAWKINS: Thanks.
MR. McKINNEY: We don't have any letters for appearance, so is there anybody here that wishes to testify in favor of this petition?

Anybody here that wishes to testify opposing this petition? Seeing none, I'll entertain a motion to go back into open session.
MR. BRONKEMA: So moved.
MR. FREEBERG: Second.
MR. McKINNEY: Moved and seconded to go back into open session. All those in favor signify by saying aye.
(All those simultaneously responded.)
MR. McKINNEY: Any opposed say nay. Motion passed. We're back into open session. If no one else has any other statements then we'll go through our finding of facts.
MR. MILLER: A) The particular physical surroundings, shape or topographical condition of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out.
MR. FREEBERG: The site is located in a predominantly agricultural area and farmland adjoins the site on the north and east. The

building -- or the proposed building would replace a dilapidated building, it's actually a building that's been removed. The replacement of the preexisting building of the size requested by the Petitioner will not be allowed under the strict letter of the regulations. These factors result in a particular hardship as opposed to a mere inconvenience if the strict letter of the regulations were carried out. I think the standard is met.
(All those agreed.)
MR. MILLER: B) The conditions upon which the petition for a variation are based are unique and would not be applicable generally to the other property within the same zoning classification.
MR. ANDERSON: The conditions upon which the petition for the variation are based are unique and are not applicable generally to other property within the AG-1 Agricultural District due to the site's location in an agricultural area and the fact that the proposed building will replace an existing building that was tore down. I feel that standard is met.

(All those agreed.)
MR. MILLER: C) The purpose of the variation is based -- is not based exclusively upon a desire to obtain a higher financial return on the property.
MR. SWORD: Evidence indicates that the purpose of the variation is not based exclusively upon the desire to obtain a higher financial return on the property, but rather to provide an additional accessory building for the occupants of the dwelling. I feel that standard is met.
(All those agreed.)
MR. MILLER: D) The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
MR. BRONKEMA: The alleged difficulty or hardship has not been created by Mr. and Mrs. Hawkins as the existing building on the site -- or the original on the site which had existed when they acquired the property and the proposed building will replace the torn-down building. The standard is met.
(All those agreed.)

MR. MILLER: E) The granting of the variation will not materially -- will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located.
MR. SWORD: No evidence has been submitted that would indicate that the granting of the variation will in no way be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. I feel that standard is met.
(All those agreed.)
MR. MILLER: F) The proposed variation will not impair an adequate supply of light or air to adjacent property or substantially increase the congestion in the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.
MR. FREEBERG: No evidence has been submitted that would indicate the variation will impair an adequate supply of light or air to adjacent property or substantially increase the

congestion in the public streets or increase the danger of fire or endanger the public safety or substantial diminish or impair property values within the neighborhood. The proposed building is -- I mean, it's sort of within the buildings he's already got there, so I don't see how it would affect the neighbors or whatnot, so I think the standard is met.
(All those agreed.)
MR. MILLER: The Zoning Board of Appeals shall not vary the regulations of this ordinance unless it shall find findings based upon the evidence presented to it in each specific case that: A) The plight of the owner is due to the unique circumstance.
MR. BRONKEMA: Well, the circumstances are unique due to the presence of the existing buildings on the site and the fact that the proposed building will replace a torn-down, existing building. Standard met.
(All those agreed.)
MR. MILLER: And B) The variation, if granted, will not alter the essential character of the locality.

MR. ANDERSON: The variation will not alter the essential character of the locality as the site is located within a predominantly agricultural area where similar building sizes and configurations exist already. I feel that standard is met.
(All those agreed.)
MR. MILLER: In addition to the required findings of fact pursuant to Section 6.06(D)(1) of the Zoning Ordinance, the Board is also required to find that the area of all accessory buildings would be compatible with the neighborhood and design, location and size, proportionality between the size of the principal building, parcel, street frontage and size of the accessory structure.
MR. SWORD: The Board finds that the area of all accessory buildings will be compatible with the neighborhood, design, location and size and the proposed accessory building is proportional to the existing dwelling and parcel size and frontage. I feel that standard is met.
(All those agreed.)
MR. McKINNEY: Going through our finding

of facts the Board has found that all standards have been met. I will entertain a motion.

MR. FREEBERG: I move that we allow the construction of the additional accessory building for Mark and Sharon Hawkins and grant Variation No. 8-09.

MR. SWORD: I'll second that.

MR. McKINNEY: Curt has moved, Jason has seconded to approve File 08-09 Variation. Roll call.

MR. MILLER: Bronkema?

MR. BRONKEMA: Yes.

MR. MILLER: Anderson?

MR. ANDERSON: Yes.

MR. MILLER: Sword?

MR. SWORD: Yes.

MR. MILLER: Freeberg?

MR. FREEBERG: Yes.

MR. MILLER: McKinney?

MR. McKINNEY: Yes.

(By voice vote five ayes.)

MR. MILLER: Five yes.

MR. McKINNEY: Motion passed. Come in and see Mike sometime and get your permit and

whatever else you need to be doing.

MARK HAWKINS: All right. Thank you.

Now on this 30th day of July 2009, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman

Michael Reibel,
Zoning Administrator

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